

# THE JERUSALEM POST

MAY 23, 1954

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## Marginal Column

By ALASTAIR BUCHAN

## Amman to Withdraw Representative at UN

MONDAY, May 17, 1954, may well go down as one of the great days in American history, for it was the one on which the Supreme Court announced its unanimous decision that the segregation of white and Negro children into separate schools was unconstitutional. It is an historic decision for many reasons. In the first place, the Supreme Court which, like all superior courts, must take into account the enforceability of its judgments, has hitherto been deterred from reaching a decision by the intense opposition in the Southern States to the ending of segregation. By the use of a brilliant formula, for which full credit seems to be due to the new Chief Justice, Mr. Earl Warren, it has separated the decisions in principle from the question of how it is to be applied and enforced. This and questions of compensation and adjustments will be argued at the next session of the Court in September. By that time, it is assumed, white opinion in the South will have become reconciled to the decision in principle.

The Jordan Government on Friday decided to withdraw its representative from the U.N. and to refrain from participating in any Security Council discussions on the Israel-Arab dispute rather than commit the country to a peaceful settlement as required under Article 35 of the Charter, the Old City daily, "Palastin," reported yesterday.

The decision provides for the recall of the Jordan delegate, Abdul Mum'in Rifai, from the current Council debate where the Lebanese delegate, Dr. Sharif Shihabi, will remain responsible for the presentation of the Jordan case.

Instructions have already been sent to the Jordan delegate in New York, and in future Dr. Malik will receive all his instructions on this issue from Amman.

The Israeli-Jordan dispute in the Security Council is unlikely to be debated again before next Thursday or Friday at the earliest due to a legal tangle, Reuters reports from New York.

Last Discussion May 4

There has been no discussion by the Council of the tense border situation between the two countries since May 4 when Jordan formally opened the debate by charging Israel with "open aggression and a warlike attack."

The reason for the delay is the inability of Council members so far to resolve the issue raised by Israel who, citing legal provisions of the Charter, has suggested that Jordan be required to give an undertaking to accept in advance the obligations of pacific settlement proposed in the Charter.

(Continued, Page 4)

## US Welcomes Arab Jordan River Plan

WASHINGTON, Saturday (INA).

The State Department announced today that it welcomed the newly announced Arab plans for the exploitation of the Jordan River water which were disclosed in Cairo last week and under which Israel would get less than one-tenth of the Jordan water.

A blueprint of the Arab plans has been prepared for submission to Mr. Eric Johnston, who is returning to the Middle East in June as President Eisenhower's special envoy to resume discussion of the Jordan River plan.

The State Department also "welcomed the constructive attitude" expressed in the Arab plan. A department spokesman said that if this represented the thinking of the Arab leaders, it pointed the way to major constructive efforts including a possible solution of the problem of dividing the water among the various Jordanian states and the prompt development of this natural resource for the benefit of the region.

According to "The New York Times" Israel would receive only 200 million cubic metres of water under the scheme as compared with 376 million cubic metres to be shared among the Lebanon, Syria and Jordan. In addition, Israel would receive about 105 million cubic metres from wadis leading to the river as compared with 277 million cubic metres for the Arab states.

The Arab plan also provides for the digging of a number of canals along the river.

The quantity of water which Israel would receive is only half of that stipulated in the original Johnston plan.

POSTPONES TRIP

DAMASCUS, Saturday (Reuters).

The visit to Cairo of Mr. Eric Johnston, President Eisenhower's personal representative in the Middle East fixed for June 13, has been postponed indefinitely, an official source said.

Mr. Johnston was to have examined a plan for the development of the Jordan valley drawn up by several Arab Governments.

US Signs Basic Aid Accord with Jordan

WASHINGTON, Saturday (UPI).

The U.S. has signed a basic agreement with Jordan, launching its long-planned programme of economic development assistance in the Arab world, according to word reaching Washington yesterday.

The agreement is expected to lead to dollar grants to Jordan for road-building, irrigation and similar development projects, but the specific amounts have yet to be worked out, according to these sources.

However, a programme of this nature involves considerably larger sums in the long run than Point Four technical assistance. Jordan and other Arab states have been receiving since the fiscal year 1950-51.

The report added that the Lebanon was now discussing the notes with Syria.

## West Asks Arabs To Influence Amman

DAMASCUS, Saturday (Reuters).

The Deputy Secretary-General of the Arab League, Ahmed Shukri, said today that the Western powers had sent a memorandum to Arab Governments asking them to persuade Jordan to undertake to accept the decisions of the U.N. Security Council on the unilaterally terminating her frontier with Israel.

Shukri said that Arab Governments had declined to act on the memorandum. But he added that he had informed Jordan of the attitudes of the other Arab Governments to the memorandum. Jordan had been told of Lebanon's instructions to her representative on the Security Council, Dr. Charles Malik. He said the Arab Governments were resolved not to yield.

Shukri was leaving for Cairo today for an inspection of the Syrian-Jordan frontier and the Jordan valley. He met the Syrian Premier, Sabri el Assali, today before leaving Syria.

West Reported Asking For End of Boycott

The Beirut correspondent of the Cairo daily "Gumhuria" reported yesterday that the West had sent identical notes to the Lebanon asking for the lifting of the anti-Israel boycott, and to stop her punitive measures against British and American firms with branches in Israel.

The report added that the Lebanon was now discussing the notes with Syria.

Mustafa Asks Refugees Resettlement On Border

The Deputy Secretary-General of the Arab League, Abdul Mum'in Mustafa, told a press conference in Cairo yesterday that the entry of the Arab armies into the war against Israel had been the biggest mistake ever made by the command.

He said that the Arab refugees must be resettled if necessary, near the borders of their original homes or in the Sinai peninsula, ARA reported.

He added that there were many sites "near Palestine" where the refugees could easily be accommodated and distaste by most of the Arab world.

Dr. Talmadge of Georgia has issued some foolish threats about using force to resist the decision.

The political effects are also hard to judge. This cannot be called a political decision except in the sense that it is the first time Harold Laski first pointed out, that the United States Supreme Court is asked to pass on questions of such fundamental social importance that they must be guided by considerations other than purely legal ones.

WHAT the practical effects of this decision will be, it is too early to tell. It will be several years before integration in schools is fully accomplished. In all, 17 States enforce segregation and four others permit it. The judgment seems to have been accepted with a degree of agreement and distaste by most of Southern opinion, although Governor Talmadge of Georgia has issued some foolish threats about using force to resist the decision.

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Eight of the present Justices were appointed by Presidents Franklin Roosevelt. But the decision will undoubtedly have the effect of enhancing the prestige of both President Eisenhower, who has always taken a strong stand in favour of equal rights, and of the Republican Party, which the party of Abraham Lincoln could command automatic support of the Negro vote until it was alienated in the Democratic by the Great Depression and the New Deal. At the same time, it will tend to exacerbate the permanent division in the Democratic Party between its liberal Northern wing and its conservative Southern section.

TURKISH WAR GAMES

LONDON, Saturday (Reuters).

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A Greek infantry regiment will join in the war games, which will take place in Thrace and will last for a fortnight.

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The Corporal and Mrs. Watson travelled to his parents' home in Cambridge. There, Watson left his wife to return to the Army.

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LYON, Saturday (Reuters).

De P. Shinnar, head of the Purchasing Mission in Cologne, left by El Al yesterday for a 10-day visit to Western Germany.

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## Israel Tells UN Jordan Caused 31 Incidents

UNITED NATIONS, Saturday (INA).

In a letter to the Security Council yesterday, the Israeli Government accused Jordan of having stirred up 37 border clashes in 48 days — from March 20 to May 12.

The list includes charges of firing across the border, attacking a passing train, sending armed bands into Israel territory, and attempting kidnapping.

The letter, from Ambassador Abu Eban, was sent to support Israel's insistence that the Security Council, deadlock over the agenda, take an overall look at the Israeli-Arab armistice situation and obtain from Jordan a commitment to abide by any decision of the Security Council if Jordan's complaints are taken up.

AMMAN CHARGE

AMMAN, Saturday (Reuters).

An Israel force penetrated five kilometres into Jordan in the area of Ghore el Safi on Thursday night and attacked an Arab camp with hand grenades, according to an official Jordan communiqué.

They killed a woman and injured a man it said.

Jordan National Guards fired on the force,

## Lebanese Tankers For Poland Detained

BEIRUT, Saturday (Reuters).

Two Lebanese tankers sold recently to Poland have been detained in Sweden, where following a protest by the Polish government, Poland would receive about 105 million cubic metres from wadis leading to the river as compared with 277 million cubic metres for the Arab states.

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**Social & Personal**

Mrs. Rachel Ben-Zvi gave a reception on Thursday night for the Committee of the Social Workers' Association.

The Prime Minister and Mrs. Sharot on Thursday entertained to dinner the Minister of Police and Mrs. Shiret, Mr. E. Eliezer, M.K., and Mrs. Eliaschar, Mr. and Mrs. E. Teuber, Mr. and Mrs. A. Capdevila, Mr. and Mrs. L. Mirman, Mr. and Mrs. T. Nigri, and Mr. A. Ben-Yosef.

The Swedish Charge d'Affaires, Mr. Jens Malling, gave a reception to the Swedish girl gymnasts of Sofia Flickorna in Tel Aviv on Thursday.

Mr. William Wilson has taken up his post as Consul for the United Kingdom in Jerusalem. Mr. Wilson, who replaces Mr. A. R. Walmsley, previously held a post in Berlin.

Mr. Charles Kreindler, Vice-President, International Ladies Garment Workers Union, and Mrs. Hanna Passer Kreindler, secretary to Mr. David S. Sacks, President, ILGWU, have arrived for a visit. They were received on Friday by Mr. M. Namir, Secretary-General of the Histadrut.

Mr. Jon Kimche, editor of the Jewish Observer and the Middle East Review left on Friday for London after a three-week visit.

An exhibition of watercolour paintings by Zev Weizmann opened at the Weizmann Institute, Rehovot, on Friday.

Mr. Wolfgang May, Eng., in charge of the Corrosion Department of Rubber Factory Frantz Levi Ltd., Haifa, has returned by El Al after four months of study and work with leading manufacturers in this field in the U.S.A.

Dr. George E. Mowry, Professor of American History at the State University of California and guest lecturer at the Hebrew University, is to deliver a lecture on "Saints in the Wilderness: The Mormon Settlement of Utah" under the auspices of the Hebrew University and the Israel Society for General History. At 8.30 p.m. this evening at the Katsalonia Building (Hall 12), Jerusalem. The public is invited.

Professor Albert Neuberger, of the National Institute of Medical Research, Mill Hill, London, arrived at Lydda Airport yesterday for a stay of three weeks as guest of the Weizmann Institute of Science. Professor Neuberger will deliver several lectures. The "Use of Isotopes in the Study of Protein Metabolism" is to be given at the Institute, Rehovot, at 4.30 p.m. today.

**Where to go.**

## JERUSALEM

\* Exhibitions: Exhibition of paintings by Haim Lerner and Wilhelm Schick, Artists House, 10-11 a.m.-4 p.m.

\* Archaeology: Department of Antiquities. Special exhibition: Chalciditic objects from Tell el-Masar, near Beersheba. Rehov Shlomo Ha-melech, Open 9-1, 4-6.

\* Tourism: Hebrew University conducted tour, new administration building, King George Ave., opposite Terra Sancta, 10 a.m. Film Show, Open 9-11 a.m. Cinema, Open 9-11 a.m.

\* Sports: "Red" Eye Revue at Zion Hall, 11-12 p.m. 9-10 p.m.

\* Sports: Sofia Flickorna's girls' team of physical culture. Editor: Sonja Flickorna. Tel Aviv.

\* Exhibitions: Modern Mexican Graphic Art and Early Mexican Art, Museum, open 9-11 a.m. 1-4 p.m. Oil paintings, watercolours and drawings, by Mrs. Claire Salard-Baum at Chemerinsky Gallery, 36 Reh. Gordon, 11-1, 4-8.

\* Exhibitions: Sculptures by Käthe Ephraim-Marcus, Z.O.A. House, 10-1, 4-7 p.m.

\* Exhibitions: Paintings, 1953-54 by Moholy, Max and Mexican Graphic Art Museum, 10-1, 4-7 p.m.

\* Theatre: "Pygmalion," Chamber Theatre, 8 p.m. "Hamlet," Night of Storms," Habimah Theatre, 8 p.m.

\* Entertainment: Concerts: Noga Cafe, from 8 p.m. to 12 midnight. Dance and dine at the Cocktail Bar.

## HAIFA

\* Entertainment: Dancing Floorshow at Ciro Bar.

\* Theatre: "Macbeth," Orah Hall, 8.30 p.m. "NOF ASHKELON

\* Theatre: "The Trouble Makers," Chamber Theatre, 8 p.m.

JERUSALEM CINEMAS

At 2, 5.30 and 8.30 p.m.

ARON: Macbeth. Mr. G. Today at 2 p.m. Because you're mine.

EDISON: Ultimo Encuentro.

ORION: Cinema City. Today a 10 p.m.

ORION: The Red Street.

ORNA: The Blue Gardenia.

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PAGE TWO

THE JERUSALEM POST

**LAW REPORT**

THE JERUSALEM POST

May 23, 1954

In the Supreme Court Sitting as High Court of Justice Before: Justices Olshan (Acting President), Silberg and Susman. The Minister of Interior, Applicant, v. 1. Alzah Aszir; 2. Hussain Kn'ana, 3. Zallah Tcha, 4. Zarifah Aszir, Respondents.

(Motion 128/53)

**FORGED FINGERPRINTS VOID POWER OF ATTORNEY**

The immediate start of our deliberations on the part of the respondents, inhabitants of the village of Migdal Grum, was adjourned until the hearing of the case before the court. It should be taken into account that two years had elapsed since the order absolute was granted — years in which the status and circumstances of the respondents had changed to such an extent as to render undesirable hardship which would now be imposed from the country.

**Minister's Statement**

In reply to this, Mrs. Ben Porath brought precedents to show that equity would grant her the remedy sought in spite of the delay. She added that in order to inform the court that the Minister of Justice would still be prepared to consider further applications from Azizah, Zallah and Zarifah asking that they be allowed to remain in Israel under the plan for uniting families, even though the time-limit for such applications had already lapsed.

The High Court, on October 10, 1953, dismissed the request on the grounds that the Assistant State Attorney had not produced sufficient facts to justify a postponement. The court made the order nisi absolute, adding that the application for the order nisi had contained false statements deliberately intended to mislead the court.

In a decision delivered by Justice Susman, the High Court found that the order nisi absolute issued in favour of the respondents, in the grounds that it had been procured by fraud. Mrs. Porath argued that the respondents' lawyer, Mr. W. Hawari, had not been properly commissioned by his clients, since the fingerprints on the power of attorney which they had been given were forged. In view of this, the court affixed affidavits from police experts were produced.

In addition, sworn statements by Azizah and Zarifah were produced. In her statement, Azizah declared that she had been exonerated by force of circumstances of her husband, which had been forged. In view of this, the court affixed affidavits from police experts were produced.

The Court held therefore that, whether or not there had been fraud and deceit, as repeatedly alleged by Mrs. Hawari, the fact was that Mr. Hawari had not received a power of attorney from the three women, as demanded by Section 21 (1) of the Advocates' Ordinance, 1938, and was therefore not empowered to appear on their behalf. Consequently, all the proceedings as a result of which the order absolute had been granted to them were null and void, and the order was therefore a nullity ab initio.

The Court therefore cancelled the order nisi and the order absolute issued in favour of Azizah, Zallah and Zarifah. No costs were granted.

Judgment given on May 18, 1954.

For the Applicant: Mrs. M. Ben Porath.

For the Respondents: Mr. H. Nakara.

Zarifah stated that she was ill when Mr. Hawari visited the village and her husband had informed her that he had signed the power of attorney on her behalf. An examination of the fingerprints purporting to be those of the respondent showed that they were not. Hussein also sent in an affidavit in which he declared that the signature on the power of attorney was his. This was refuted by the evidence of the expert witnesses, but he himself was not cross-examined by Mrs. Ben Porath.

Respondents' Case

Counsel for the respondents, Mr. H. Nakara, argued that, according to the Meille, it was no fraud if some person signed for another, as long as the latter subsequently ratified the signature.

With regard to the affidavit of Justice Silberg and Olshan that Azizah had claimed to have been in the village all the time, whereas, according to her own testimony, she was in the Lebanon. Mr. Nakara agreed that there had been a certain amount of fraudulence, but asked the Court to take into consideration the circumstances of the case viz. the fact that Azizah was not an infiltrator, that she had no real intention of deceiving the court and was merely an unfortunate woman trying to get back to her family whom she had been forcibly parted from.

Furthermore, Mr. Nakara submitted that there had been no fault of her own.

Finally, Mr. Nakara submitted that there had been no fault of her own.

On the other side, Mrs. Ben Porath argued that, as far as she was concerned, there had been no fault of her own.

After the hearing, the court adjourned to consider the matter.

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Sunday, May 22, 1954.  
Year 20, 8754 — Ramada 21, 1954.

JORDAN'S position in regard to the present dispute with Israel at the Security Council of the United Nations is curious. As

JORDAN a non-member nation AND THE U.N. she has the clear right under article 35 of the United Nations Charter to bring a complaint.

The language of the Article is explicit: "A state which is not a member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance (our italics) for the purpose of the dispute, the obligations of pacific settlement provided in the present charter."

Mr. Abba Eban, Israel's permanent representative at the United Nations, last week drew attention to this provision of Article 35 and reasonably asked that Jordan be requested to agree with the simple condition laid down in the Charter. Even if Jordan had not persistently refused to acquiesce in the invitation to direct talks with Israel under Article XII of the Armistice Agreement (thereby demonstrating its complete lack of seriousness with regard to obligations entered into), it would have been proper for the assurance to be asked for. Since Jordan had shown such a disregard for what measure of law and order has already been established by United Nations instruments, it was only proper that steps should be taken in advance to see that Jordan did not waste the time of the Security Council and damage its prestige by behaving towards its decisions as it had done with regard to the Armistice Agreement.

The result might have been foreseen. At the mere suggestion that she should agree to accept the obligations for a pacific settlement of her dispute with Israel, the Hashemite Kingdom took immediate fright, thereby clearly demonstrating once again the basic principle of all the Arab League States that peace is the one factor which they will never allow to enter into their calculations in regard to their disputes with Israel.

In an effort to avoid the impasse thus created it was suggested at one stage in the conversations which followed in the Security Council that perhaps the difficulty might be avoided by the invocation of Article 32 of the Charter. This states that the "Security Council shall lay down such conditions as it deems just for the participation of a state which is not a member of the United Nations." By a severe straining of the terms of the Charter it might be possible to imagine that the Security Council might have admitted Jordan to participate in discussions on a dispute it had raised without demanding full compliance with Article 35, but such an act would be so manifestly absurd that the very thought of it soon disappeared from the discussions and Jordan's own friends in the West strongly urged her to fulfil the necessary conditions.

To these representations Jordan has now replied. By a Cabinet decision taken on Friday, "Palastin" reports, she has formally removed herself from the dispute, instructed her Minister in Washington to attend no further meetings of the Security Council which is dealing with her present complaint against Israel and has asked the Lebanon to handle the matter completely on her behalf.

It now remains to be seen whether this manoeuvre will be allowed to succeed and whether in fact it can succeed juridically. Should Jordan now be released from her pre-obligation by this trick, we shall have the sad spectacle of the Security Council which has already suffered much in prestige, being made to look very ridiculous and impotent indeed.

### The Week in the Knesset

## Tax Bill Has Unsatisfactory Reading

By GERDA LUFT

LAST week, the Knesset completed the first reading of two important bills, one dealing with the new proposals for income tax, the other with changes in the law governing the administration of the budget of Interior and the municipalities. Both were duly transferred to committee, but in neither case did this mean that the issues had been dealt with satisfactorily. In fact, when the Minister of Finance stood up to the debate, he announced that additional changes were being contemplated in the Income Tax Bill, that a new commission to deal with the issue was already at work, and that it would probably not be in the last.

The discussion of the municipalities, the acrid debate helped to exacerbate feelings — within the coalition as well as between the Government and the Opposition — but no satisfactory course of legal action emerged. Thus both sides were likely to meet again in the House long after the committees have finished with the tabled proposals.

Income tax issues have occupied the Knesset again and again during recent years on the one hand because of the continuous financial difficulties of the Treasury (which compelled the Minister of Finance to seek new sources of revenue) and on the other, because of endless lobby pressure.

There were hopes that the new bill would do away with some of the severest criticism from the public, but the first reading dissipated them. Even members of the coalition complained that the structure of income tax made it almost impossible for tax-payers in certain brackets to meet their obligations faithfully.

The figures cited by Mr. Harari of the Progressives were characteristic for the position taken by many professional who want to pay according to law. When the Minister of Finance queried the correctness of these figures, Mr. Harari stood hotly on their accuracy. This incident is characteristic of most members of the coalition and of the role which figures play in them. If income-tax requirements are open to such varied interpretations, then surely they need simplification and readjustment.

But the first reading gives little hope of a simpler income tax bill which would show clearly what is expected of the tax-payer. From the winding-up speech of the Minister of Finance it was again apparent, moreover, that the Treasury is still forced to view income tax problems mainly from the point of view of face value. Committees that included representatives of the public have attempted without success to evolve a system of taxation that would be accepted as comparatively just by the majority.

The debate last week made it quite clear that the various parties are still pressing on with their mutual accusations, the Right protesting against what Negroes Hail Segregation's End

LAST week's Supreme Court decision against racial segregation in public schools did not apply chiefly in the 17 "Southern" States where the "separate but equal" doctrine has been followed in the public schools.

Almost half of the Negro population in the United States is now in States where segregation practices, in public schools and other facilities, have been eliminated. In 1950, 37.5 per cent of the nation's Negro population were in such "non-segregated" areas. This figure is probably

closer to 40 per cent at the present time due to the continuing trend of Negro migration out of the South. The total Negro population in 1950 was approximately 15,042,000.

Meanwhile Negro spokesmen have greeted this week's Supreme Court ruling against racial segregation in public schools as an expression of fundamental American democracy.

Dr. Ralph Bunche cited the decision as an historic event in the annals of American democracy. Thurgood Marshall, Negro lawyer who argued the segregation case before the Supreme Court on behalf of the National Association for the Advancement of Coloured People, predicted that, within a few years, racial segregation in all its aspects will be eliminated in America.

(UPI)

other piece than the very hasty Rachmaninoff concerto.

However, Mr. Skolovskiy captured the interest of the audience, and at the conclusion of his performance, it was clear that he is a pianist of intellect, dexterity, and expressiveness.

In Tel Aviv

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THE Israel Philharmonic Orchestra's ninth subscription concert, conducted by Primo Levi (at the Ohel Shem Hall on Monday), was an evening for strings. They had ample opportunity to excel in the opening item, Vivaldi's Concerto Grossino in D minor, as well as in Brahms' First Symphony, which the conductor gave a well-rehearsed baritone with an fervent romantic interpretation.

The soloist of the evening was the U.S. pianist, Mr. Skolovskiy, appearing in place of Mr. William Primrose. Since Menuhim and Serkin had also been promised to the subscribers of the series of which was pleasingly read by May Orion. The bill opened once more with the lovely "Finale's Cave" overture, Karel Sloboda, for a change, appeared in his capacity as baritone with an aria from "Elijah."

The orchestra was at its best with the Italian symphony. We had enjoyed this very symphony six weeks ago with the I.P.O. under Celibidache, but we confess with pleasure that Heinz Freudenthal's interpretation, full of fire, delighted us.

Dexterity and Emotion

THE Y.M.C.A. Live Programme presented Meir Harnik on Thursday. We knew this young musician's great gifts, but we were unaware of the emotional capacity as demonstrated in the Chopin series, which formed the first half of an uncommonly attractive programme.

His approach was heroic, though never forced, and we did not miss the unique melancholy of the Impromptu No. 2 and the Nocturne in E Minor. The rhythmical element was imbued with the essential rhythmic in the Polonaise No. 2, and, even more strikingly, in the Mazurka in C Sharp Minor, while all the subtle poetry of the Perceus and the Waltz in E Minor came true.

No less moving and inspired were Brahms' two Intermezzi, op. 117. "Granados" pieces and Ravel's Rumba Dances were full of expression, and the audience appreciated readily Meir Harnik's rendition of Kabalevsky's Sonatas No. 1 and Kha-

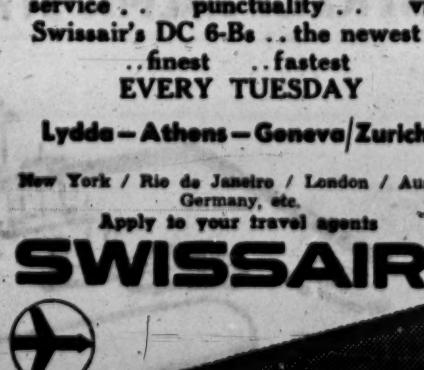
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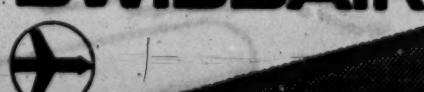
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